

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of Keresman III, et al.

Application No.: 09/488,297

Examiner: O. Akintola

Filed: 01/20/2000

Docket No.: PRAZ 2 00001

Title: **SECURE AND EFFICIENT PAYMENT PROCESSING SYSTEM**

APPELLANTS' REPLY BRIEF UNDER 37 CFR 41.41

Appeal from Group

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CERTIFICATE OF TRANSMISSION

I certify that Appellants' Reply Brief Under 37 CFR 41.41 is being filed on the date indicated below by electronic transmission with the United States Patent and Trademark Office via the electronic filing system (EFS Web).

Date

3-23-09

Name Elaine M. Checovich

This reply brief is submitted in response to the Examiner's answer mailed January 23, 2009.

On page 9 of the answer, the Examiner addresses Appellants' argument concerning the combination of Talati and Demoff. In particular, the Examiner opines that Demoff teaches all the limitations of claim 23 except for the step of receiving a purchase request of the buyer from the seller. The Examiner concedes that Demoff's teaching includes the step of receiving the purchase directly from the buyer. The Examiner claims, however, that Talati teaches the concept of receiving a purchase request of a buyer from a seller as recited in the claim.

Nonetheless, the Examiner has failed to show any motivation for combining the teachings of Talati with the system of Demoff, which is directed to providing temporary credit authorizations. Indeed, as Appellants have previously stated, modifying Demoff so that it employs the transaction request taught by Talati clearly frustrates the very purpose of Demoff and impermissibly changes the principle of operation of Demoff. In other words, Demoff teaches away from such a combination. Rather than refute these and other points directly and explain why someone skilled in the art would have been motivated to combine Talati with Demoff, the Examiner simply concludes that "the simple substitution of one known concept for another producing a predictable result renders the claim obvious."

Accordingly, Appellants submit that it is improper to combine Talati with Demoff.

CONCLUSION

For at least the reasons discussed above, it is respectfully submitted that the rejections are in error and that all of the pending claims are in condition for allowance. Appellants respectfully request this Honorable Board to reverse the rejections of the claims.

Respectfully submitted,

Date: March 22, 2009

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